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14 **UNITED STATES DISTRICT COURT**
FOR THE NORTHERN DISTRICT OF CALIFORNIA
15
16 **SAN FRANCISCO DIVISION**

17 UNION OF AMERICAN PHYSICIANS
AND DENTISTS,

18
19 Petitioner,

20 v.

21 CALIFORNIA DEPARTMENT OF
CORRECTIONS; JEANNE
WOODFORD; RENEE KANAN, MD;
22 DOES 1 THRU XX,

23 Respondents.
24

No. 3:05-cv-03630-TEH

**JOINT STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE HEARING DATE
DEADLINES FOR PRETRIAL MOTIONS**

25 Petitioner Union of American Physicians and Dentists ("UAPD" or "Petitioner") and
26 Respondents California Department of Corrections, Jeanne Woodford, and Renee Kanan M.D.
27 ("Respondents") through their respective counsel, hereby enter into the following joint stipulation
28 and respectfully request that the Court continue the deadlines currently set for (1) the last date for

1 a hearing on a pretrial motion and (2) the last day to file a motion noticing a hearing date.

2 RECITALS

3 1. On June 19, 2006, the Court entered an Order for Pretrial Preparation. The Order
4 provides a February 26, 2007 deadline to notice a hearing for a pretrial motion. Based on that
5 deadline, the Court instructed that the deadline to file a pretrial motion would be January 22,
6 2007. (Or. at 2:17-2:25.);

7 2. This matter is related to another case before this court entitled, *Plata v.*
8 *Schwarzenegger*, 3:01-cv-01351-TEH. On or about January 8, 2007, the Office of the Receiver
9 in the *Plata* case, prepared a draft report and recommendation regarding the evaluation of
10 physicians. The Receiver's draft report concluded that the QICM program, the program that is at
11 issue in this case, is the only viable method for complying with *Plata* mandates;

12 3. In light of the Receiver's draft report, Petitioner and Respondents, have agreed to
13 attempt to resolve this litigation, if possible, promptly through settlement to avoid incurring
14 further time, expense, and judicial resources. Unfortunately, Petitioner's Executive Board does
15 not meet until January 26, 2007, and therefore cannot approve or disapprove of any settlement
16 before January 22, 2007, the deadline set by this Court to file a pretrial motion, including a
17 motion summary judgment;

18 4. As a result, good cause exists in this case to continue the pretrial hearing and motion
19 filing deadlines because the Receiver distributed his draft report on January 8, 2007, the inability
20 of UAPD's Board to act upon the Receiver's draft report until at least January 26, 2007, and the
21 parties' willingness to continue the dates set forth by this Court.

22 STIPULATION AND ORDER

23 NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING, IT IS HEREBY
24 STIPULATED by and between Petitioner and Respondents, by and through their counsel of
25 record, that:

26 1. All pretrial motions, except motions in limine, must be noticed for hearing no later than
27 Monday, March 26, 2007.

28 2. Such motions must be filed at least 35 days in advance of the hearing date, or no later

1 than Monday February 19, 2007.

2 IT IS SO STIPULATED.

3 DATED: January 18, 2007

HANSON BRIDGETT MARCUS
VLAHOS & RUDY, LLP

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5 By: 

PAUL B. MELLO
Attorneys for Respondents

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8 DATED: January 18, 2007

DAVIS, COWELL BOWE, LLP

9
10 By: 

PAUL L. MORE
Attorneys for Petitioner

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13 Based upon the foregoing Stipulation of the parties,

14 IT IS SO ORDERED.

15 Dated: January 22, 2007

16 Judge Thelton E. Henderson
UNITED STATES DISTRICT COURT JUDGE

